IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 12121 of 2005(R)

OPMV.972/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
.....

PETITIONER:

THE ORIENTAL INSURANCE CO. LTD.,
BRANCH OFFICE, MUVATTUPUZHA, REP. BY
THE AUTHORISED SIGNATORY (MANAGER),
REGIONAL OFFICE, NORTH RAILWAY STATION
ROAD, ERNAKULAM, COCHIN-682 018.

BY ADV. SRI.M.JACOB MURICKAN

RESPONDENTS:

1. THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
IRINJALAKUDA.

2. ROSY, W/O. FRANCIS, MANJALY
HOUSE, P.O. VELLIKULANGARA.

3. A.U.SHAJI, S/O. UNNI, AMBATTUPARAMBIL
HOUSE, PERAMBRA P.O., KODAKARA.

4. SHIJU, S/O. OUSEPH, VADAKKETHALA HOUSE,
PUTHUKAVU DESOM, P.O. KODAKARA.

BY ADV. SRIP.G.SURESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007 ALONG WITH WPC NO.12159 OF 2005 AND WPC NO.12160 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

W.P.(C)Nos.12121/05, 12159/05 & 12160/05

JUDGMENT

Koshy, J.

These writ petitions are filed by the Insurance Company challenging their liability to deposit compensation. From the award of the Motor Accidents Claims Tribunal, an appeal is provided, which is an effective remedy. In these writ petitions, the award amount is below Rupees ten thousand. It has been repeatedly held by this Court as well as by the Supreme Court that when statutory appeal is provided and when a party is barred from filing an appeal, intention of the legislature cannot be sub-served by filing a writ petition. Further, the award amount had already been paid by the Insurance Company.

In these circumstances, these writ petitions are dismissed.

(J.B.Koshy, Judge)

5th June, 2007

(K.P.Balachandran, Judge)

tkv